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28 FACEBOOK, INC.

1 **UNITED STATES DISTRICT COURT**
2 **NORTHERN DISTRICT OF CALIFORNIA**
3 **OAKLAND DIVISION**

4 SOFTWARE RIGHTS ARCHIVE, LLC,

5 Plaintiff,

6 v.
7 FACEBOOK, INC.,

8 Defendant.

9 Case No. 4:12-cv-03970-HSG

10 **JOINT STIPULATION OF DISMISSAL
11 WITH PREJUDICE AND ORDER
12 THEREON**

13 Judge: Hon. Haywood S. Gilliam, Jr.

1 Plaintiff Software Rights Archive, LLC (“SRA”) and Defendant Facebook, Inc. (“Facebook”)
2 respectfully submit the following joint stipulation and request for dismissal of this action:

3 **WHEREAS** on September 9, 2020, this Court entered judgment in favor of Facebook and
4 against SRA (Dkt. No. 231);

5 **WHEREAS** on September 23, 2020, Facebook filed a Motion for Partial Award of Attorneys’
6 Fees Pursuant to 35 U.S.C. § 285 (Dkt. No. 235);

7 **WHEREAS** on October 8, 2020, the parties filed a Joint Stipulation and Order Regarding Bill
8 of Costs, which was approved by the Court (Dkt. No. 240);

9 **WHEREAS** SRA filed a Notice of Appeal to the U.S. Court of Appeals for the Federal Circuit
10 from the Court’s judgment (Dkt. No. 243);

11 **WHEREAS** the parties have since resolved their differences and executed a Patent License and
12 Settlement Agreement that resolves all issues between them;

13 **NOW, THEREFORE** in accordance with the parties’ agreement, the parties stipulate and
14 respectfully request that the Court order, as follows:

15 1. SRA’s claims in this action shall be **DISMISSED** in their entirety, **WITH PREJUDICE**,
16 including all claims that were or could have been asserted in this action;

17 2. The Motion for Partial Award of Attorneys’ Fees Pursuant to 35 U.S.C. § 285 (Dkt. No.
18 235) shall be **WITHDRAWN** as moot and removed from the Court’s calendar;

19 3. Other than the amount payable to Facebook pursuant to the Patent License and Settlement
20 Agreement, each party shall bear its own attorneys’ fees and costs; and

21 4. This Court shall retain jurisdiction to enforce the terms of the Patent License and
22 Settlement Agreement.

1 DATED: November 18, 2020

Respectfully submitted,

2 /s/ Andrew G. DiNovo

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6 ATTORNEYS FOR PLAINTIFF
7 SOFTWARE RIGHTS ARCHIVE, LLC

8

9 DATED: November 18, 2020

Respectfully submitted,

10 /s/ Heidi L. Keefe

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FACEBOOK, INC.

19

20 **FILER'S ATTESTATION**

21 I, Heidi L. Keefe, am the ECF user whose ID and password are being used to file this JOINT
22 STIPULATION OF DISMISSAL WITH PREJUDICE AND [PROPOSED] ORDER THEREON. In
23 compliance with Civil Local Rule 5.1(i)(3), I hereby attest that counsel for Plaintiff Software Rights
24 Archive, LLC has concurred in this filing.

25

26

27 /s/ Heidi Keefe

28 Heidi Keefe

ORDER

In accordance with the Joint Stipulation of Dismissal with Prejudice, and good cause appearing, the Court hereby orders as follows:

1. SRA's claims in this action are hereby **DISMISSED** in their entirety, **WITH PREJUDICE**, including all claims that were or could have been asserted in this action.

2. The Motion for Partial Award of Attorneys' Fees Pursuant to 35 U.S.C. § 285 (Dkt. No. 235) is hereby **WITHDRAWN** as moot and removed from the Court's calendar.

3. Other than the amount payable to Facebook pursuant to the Patent License and Settlement Agreement, each party shall bear its own attorneys' fees and costs.

4. This Court shall retain jurisdiction to enforce the terms of the Patent License and Settlement Agreement.

IT IS SO ORDERED.

Dated: 11/19/2020

Haywood S. Gilliam, Jr.
The Honorable Haywood S. Gilliam, Jr.